

**State of California  
Office of Administrative Law**

In re:  
Bureau of Automotive Repair

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 3394.3, 3394.4, 3394.6

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2024-0729-01

OAL Matter Type: Regular Resubmittal (SR)

This resubmitted rulemaking action by the Bureau of Automotive Repair makes several changes relating to the consumer assistance payments an owner of a vehicle failing a smog check may be eligible to receive as incentive to either repair or retire the noncompliant vehicle. First, this action increases the maximum amount of the payments to account for inflation as measured by federal Consumer Price Index data. Second, this action establishes a procedure for future increases to the maximum amount of the payments based on measures of inflation, program participation, and appropriations. Third, this action eliminates an existing rule that prohibited a person from receiving repair assistance payments for the same vehicle more than once. Finally, this action revises what a person must provide when applying to receive these consumer assistance payments.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2025.

Date: September 4, 2024



Timothy Findley  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Patrick Dorais, Chief  
Copy: Holly Helsing

# RESUBMITTAL

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 2024-0111-03</b>	REGULATORY ACTION NUMBER <b>2024-0729-01SR</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMINISTRATIVE LAW	
<b>Electronic Submission</b>	
RECEIVED DATE 1/11/2024	PUBLICATION DATE 1/26/2024

OFFICE OF ADMIN. LAW  
2024 JUL 29 PM 4:29

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

SEP 04 2024

NOTICE	REGULATIONS
AGENCY WITH RULEMAKING AUTHORITY Bureau of Automotive Repair	AGENCY FILE NUMBER (If any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Consumer Assistance Prog. Incentive Increases	TITLE(S) 16	FIRST SECTION AFFECTED 3394.3	2. REQUESTED PUBLICATION DATE January 26, 2024
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Holly O'Connor	TELEPHONE NUMBER (916) 403-8600	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2024-4-2	PUBLICATION DATE 1/26/24	

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Consumer Assistance Prog. Incentive Increases	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2024-0410-03S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 3394.3, 3394.4, 3394.6
TITLE(S) 16	REPEAL

3. TYPE OF FILING	<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
	<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)  
June 13, 2024 - June 28, 2024

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d), Cal. Code Regs., title 1, §100)	<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
	<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Holly Helsing	TELEPHONE NUMBER 916-403-8600	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) holly.helsing@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Kimberly Kirchmeyer</i>	DATE July 22, 2024
TYPED NAME AND TITLE OF SIGNATORY Kimberly Kirchmeyer, Director, Department of Consumer Affairs	

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**ENDORSED APPROVED**

SEP 04 2024

Office of Administrative Law